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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,545	03/28/2001	Ron H. Niswander	43050	5242

109 7590 04/20/2006

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P. O. BOX 1967
MIDLAND, MI 48641-1967

EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,545

Applicant(s)

NISWANDER, RON H.

Examiner

Allan Kuhns

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1.It still appears that “an” should be “and” in clause I, line 2 of claim 20.

2.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.Claims 1, 3, 5-14, 16-20, 22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey (5,670,553) as set forth in the previous Office action.

4.Claims 2, 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey as applied to claims 1, 3, 5-14, 16-20, 22 and 24-26 above, and further in view of Clatty as set forth in the previous Office action.

5.Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey as applied to claims 1, 3, 5-14, 16-20, 22 and 24-26 above, and further in view of WO 98/25985 (Horn et al.) Horn et al. (6,169,124) is being used as a translation for the '25985 reference. At column 19, lines 9-18 of the '124 reference, Horn et al. teach that mineral oils are suitable in combination with other mold release agents. Based on this teaching of Horn et al., it would have been obvious to one of ordinary skill in the art to incorporate mineral oil into the composition of Mackey in order to enhance mold release properties.

6.Claims 1, 3, 5-14, 16-20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey in view of WO 98/25985 (Horn et al.). The relevant teaching of Horn et al. and reason for combination with Mackey are as set forth in the immediately preceding paragraph.

7. Claims 2, 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey in view of WO 98/25985 as applied to claims 1, 3, 5-14, 16-20 and 22-26 above, and further in view of Clatty. The relevant teachings of Clatty and reason for combination are as set forth in prior Office actions.

8. Applicant's arguments filed January 31, 2006 have been fully considered but they are not persuasive. Applicant notes that the examiner has contended that carboxylic acid can be viewed as an enhancer component, and asserts that the specification at page 6, lines 8-11 defines the enhancer component as a liquid petroleum oil. Applicant recites a definition for "petroleum" and then argues that since carboxylic acid is not a liquid petroleum, the examiner's contention is in error. The examiner disagrees because the instant claim language requires the presence of an IMR enhancer compound, and column 3, lines 9-31 of Mackey describes the IMR enhancing effects of certain carboxylic acids.

Applicant also argues that the examiner's contention that Mackey teaches or suggests the aspect of reacting a fatty acid condensation product with an isocyanate in the presence of an IMR enhancer compound. It is the examiner's position that such a reaction would be inherent, given the constituents present in the system of Mackey.

With regard to claim 23, the examiner is now relying on WO 98/25985 to support the contention that mineral oils are known to enhance internal mold release.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-

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1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732
4-15-06